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Examiner Catherine Serke -
USPTO, Art Unit 3763

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MESSAGE

Re: DUBRUL et al., Serial No. 09/781,721

Supplemental Information Disclosure Statement

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Patent
Attorney Docket No. 032,290-039
(formerly 1008-5)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

DUBRUL et al.

Serial No.: 09/781,721

Filed: February 12, 2001

For: DILATING AND SUPPORT APPARATUS
WITH DISEASE INHIBITORS AND METHODS
FOR USE

Group Art Unit: 3763

Examiner: Serke, C.

Handwritten:
H
10-7-03
#23/IDS

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449 and copies are enclosed for the convenience of the Examiner.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

☐ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the

CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted to the date shown below addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

(703) 872-9303 onOctober 3, 2003Date of Deposit
IR1:1048415.1
Kristin A.M. Godfrey

Patent
Attorney Docket No. 032,290-039
(formerly 1008-5)

mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

- ☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.
- ☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.
- ☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.
 - ☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.
 - ☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.
- ☒ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

Statement Under 37 CFR § 1.97(e):

- ☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
- ☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

Patent
Attorney Docket No. 032,290-039
(formerly 1008-5)

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

- ☐ A check in the amount of _____ is enclosed for the above fee(s).
☒ Please charge \$180.00 to Deposit Account No. 50-0639 for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Lyon & Lyon's Deposit Account No. 50-0639.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: October 3, 2003

By: Diane K. Wong
Diane K. Wong
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FORM PTO-1449

LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S
INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

ATTY. DOCKET NO.

032,290-039

(formerly 1008-5)

SERIAL NO.

09/781,721

APPLICANT:

Dubrul et al.

FILING DATE:

February 12, 2001

GROUP:

3763

U.S. PATENT DOCUMENTS

EXAMINE R INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE
	AA	4,425,908	01/1994	Simon			
	AB	5,102,415	04/1992	Guenther et al.			
	AC	5,222,971	06/1993	Willard et al.			
	AD	6,361,545	03/2002	Macoviak et al.			
	AE	5,192,297	3/1993	Hull			
	AF	5,882,335	3/1999	Leone et al.			

FOREIGN PATENT DOCUMENTS

EXAMINE R INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATIO YES NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.